

BILL ANALYSIS

H.B. 246
By: Murr
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding ambiguity in the definition of what constitutes an improper teacher-student relationship. There have been calls to clarify the definition of sexual contact in this regard and to ensure that all enrolled students are covered by the definition. H.B. 246 seeks to better enable law enforcement to prosecute teachers and faculty who engage in improper relationships with students by defining "sexual contact" with regard to the offense of improper relationship between an educator and a student.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 246 amends the Penal Code to define "sexual contact," as that term relates to the offense of improper relationship between an educator and a student, as any of the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

- any touching by an employee of a public or private primary or secondary school of the anus, breast, or any part of the genitals of an applicable enrolled person or student participant; or
- any touching of any part of the body of the enrolled person or student participant with the anus, breast, or any part of the genitals of the employee.

EFFECTIVE DATE

September 1, 2021.